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Monday, December 9, 2019
City Council Regular Meeting Minutes **7:00 p.m., Community Auditorium**

Minutes are unofficial until approved by Council.
Council approved minutes as presented January 13, 2020.

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:06 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Timothy Rippe; Ronald Thompson; Elena Uhing; Adolph “Val” Valfre; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL VACANCY:** 1.

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Michael Kinkade, Fire Chief; Bryan Pohl, Community Development Director; Gregory Robertson, Public Works Director; Colleen Winters, Library Director; and Anna Ruggles, City Recorder.

1. A. SPECIAL RECOGNITION:

Mayor Truax and Winters presented the *Ginsburg Memorial Garden Plaque* to Rod Fuiten, President of Forest Grove Library Foundation, and Mike Smith, President of Friends of the Forest Grove Library, in appreciation of their ongoing support of the Library. The Friends and the Foundation split the project costs of \$33,000. The Garden was dedicated on October 11, 2019, in memory of Dick Ginsburg who was a board member of both the Friends and Foundation and a longtime supporter and advocate of the Library.

1. B. SWEARING-IN CEREMONY:

Fire Chief Kinkade administered the Oath of Office to Warik Rodriguez who was sworn-in as Firefighter.

2. CITIZEN COMMUNICATIONS: None.

3. CONSENT AGENDA:

Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- A. Approve City Council Subcommittee Work Sessions (B/C Reappointment Interviews) Meeting Minutes of November 25, 2019.
- B. Approve City Council Regular Meeting Minutes of November 25, 2019.
- C. Accept Committee for Community Involvement Meeting Minutes of June 4, 2019.
- D. Accept Community Forestry Commission Meeting Minutes of October 16, 2019.
- E. Accept Economic Development Commission Meeting Minutes of May 2, June 6, July 11, September 12 and October 3, 2019.
- F. Accept Historic Landmarks Board Meeting Minutes of October 22, 2019.
- G. Accept Parks and Recreation Commission Meeting Minutes of October 16, 2019.
- H. Accept Public Arts Commission Meeting Minutes of October 17, 2019.
- I. **RESOLUTION NO. 2019-59 ADOPTING CITY OF FOREST GROVE PARKS AND RECREATION COMMISSION BYLAWS AND REPEALING RESOLUTION 1974 No. 733.**

MOTION: Councilor Wenzl moved, seconded by Councilor Valfre, to approve the Consent Agenda as presented. **COUNCIL VACANCY: 1. MOTION CARRIED 6-0 by voice vote.**

4. **ADDITIONS/DELETIONS:** None.

5. **PRESENTATIONS:**

5. A. **Project 1: 21st Avenue and Main Street Intersection**

Robertson introduced Tony Roos, Kittelson consultant, and presented a PowerPoint presentation overview of the five options that were considered for Project 1 to increase pedestrian safety and maintain freight and delivery access as outlined below:

- 1) Curb Extension: Cost \$290k. Delivery trucks restricted from turns.
- 2) Raised Intersection: Cost \$305k
- 3) Raised Intersection with Curb Extension: Cost \$316K. Delivery/freight turning restrictions.
- 4) Raised Crosswalk with Truck Aprons: Cost \$335k.
- 5) Crosswalk Replacement (Preferred): Cost 182k. Replace existing markings with concrete slab and brick pavers; bring all crosswalk ramps into ADA compliance; and construct in summer 2020, funding included in the budget.

In conclusion of the above-noted presentation Robertson advised Option 5 is the preferred Option, to which Council collectively concurred.

Project 2: Safeway / Goodwill Driveway

Robertson presented a PowerPoint presentation overview of the two options that were considered for Project 2 to increase pedestrian safety as outlined below. Both Options include replacing old pedestrian flashing signal with Rapid Rectangular Flashing Beacon.

- 1) Driveway Realignment: Cost \$641k
 - Shift Goodwill West
 - Shift Safeway East
- 2) Raised Median Island: Cost \$352k. Bid in winter 2020, construct in summer 2020 and contingent upon available funding.

In conclusion of the above-noted presentation Robertson advised Option 2 is the preferred Option, to which Council collectively concurred with added suggestions, such as planting shrubbery to prevent pedestrians from crossing the median and relocation of the existing bus stops.

6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-14 AMENDING FOREST GROVE CODE OF ORDINANCES CHAPTER 50, WATER SYSTEM DEVELOPMENT CHARGE, AND CHAPTER 151, PARKS SYSTEM DEVELOPMENT CHARGE, TO ALLOW DEFERRAL OF PAYMENT OF WATER AND PARKS SYSTEM DEVELOPMENT CHARGES TO BUILDING OCCUPANCY; FILE NO. 311-19-000032-PLNG**

Staff Report:

Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending Forest Grove Code Chapter 50, Water System Development Charge, and Chapter 151, Parks System Development Charge, to allow deferral of payment of water and parks system development charges (SDC) to building occupancy; File No. 311-19-000032-PLNG. Pohl reported water and parks SDC are exclusive to the City and payable until issuance of a building permit, noting the proposed ordinance is codifying the city's current practice of requiring water and parks SDC for affordable housing projects to be paid in full at the time of occupancy. In conclusion of the above-noted staff report, Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A and Exhibit B, noting there is no fiscal impact.

Questions of Staff:

In response to Uhing's inquiry pertaining to legislation implemented about five years ago, Pohl noted he would follow-up as he was unaware of any state legislation.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2019-14 for first reading.

VanderZanden read Ordinance No. 2019-14 by title for first reading.

MOTION: Councilor Rippe moved, seconded by Councilor Valfre, to adopt Ordinance No. 2019-14 Amending Forest Grove Code of Ordinances Chapter 50, Water System Development Charge, and Chapter 151, Parks System Development Charge, to Allow Deferral of Payment of Water and Parks System Development Charges to Building Occupancy; File No. 311-19-000032-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

Pohl reported the Home Builders Association called in and supported extending the program to all developers not just affordable housing projects.

No written testimony was received.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Council Discussion:

Valfre proposed to amend the definition of “affordable housing” as follows: 1) remove paying no more than 30% of total household income because none of the major funding sources dedicate 30%; 2) increase homeownership to 80% area median income; and 2) revise the last sentence to read federal, state and other public funders. Valfre advised he consulted with city staff and Washington County, noting the definition as proposed may have unintended consequences going forward in trying to align with federal, state, county and Metro affordable housing financing.

MOTION TO AMEND 1: Councilor Valfre moved, seconded by Councilor Wenzl, to direct staff to amend Ordinance No. 2019-14, Sections 50.47 and 151.026, Definitions, as follows: **AFFORDABLE HOUSING.** Housing constructed for renters ~~or purchasers~~ earning no more than 60% of area median income and ~~paying no more than 30% of total household income in rent to mortgage~~ **purchasers of housing earning no more than 80% area median income.** Affordable housing is regulated as rent and income restricted through regulatory agreements with ~~the U. S. Department of Housing and Urban Development (HUD) or the Housing Authority of Washington County~~ **federal, state and other public funders.**

Council Discussion:

Hearing no further concerns from the Council, Mayor Truax asked for a voice vote on the above motion to amend.

VOICE VOTE AMENDMENT 1: AYES: Councilors Rippe, Thompson, Uhing, Valfre, Wenzl, and Mayor Truax. NOES: None. COUNCIL VACANCY: 1. MOTION CARRIED 6-0.

Public Hearing Continued:

Mayor Truax continued the Public Hearing to Monday, January 13, 2020.

7. RESOLUTION NO. 2019-58 APPROVING THE SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR 2020-2021 PROGRAM PERIOD (D STREET FROM PACIFIC AVENUE TO 19TH AVENUE)

Staff Report:

Robertson presented the above-proposed resolution authorizing the City Manager to submit an application for Community Development Block Grant (CDBG) funding for 2020-2021 Program Period, noting staff has identified the D Street – Pacific Avenue to 18th Avenue as a priority project that is eligible for 2020-2021 funding cycle. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting the City is prepared to contribute match funding if a CDBG grant is awarded.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-58.

VanderZanden read Resolution No. 2019-58 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to adopt Resolution No. 2018-58 Approving the Submission of an Application for Community Development Block Grant Funding for 2020-2021 Program Period (D Street – Pacific Avenue to 18th Avenue Priority Project).

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Uhing, Valfre, Wenzl, and Mayor Truax. NOES: None. COUNCIL VACANCY: 1. MOTION CARRIED 6-0.

8. CITY COUNCIL DELIBERATIONS ON SLATE OF CANDIDATES INTERVIEWED FOR CITY COUNCIL POSITION VACANCY, TERM EXPIRING NOVEMBER, 2022, AND APPOINTMENT CONSIDERATION

Staff Report:

Pursuant to City Charter, Section 32 and City Code, Section 2.075, Council must fill a vacancy by appointment by a majority of the remaining Councilmembers. The appointee holds office until the term of the office expires November, 2022. The Council conducted the following seven oral Candidate interviews in earlier work session (December 9, 2019). One candidate withdrew as noted below.

Candidates (Interviewed December 9, 2019):

1. Kristy Lynne Kottkey
2. Howard Sullivan
3. Susie Johnson
4. John A. Hengeveld
5. Karen Reynolds
6. Mariana E. Valenzuela
7. Joshua D. Fromm
8. Wolanda K. Groombridge; withdrew 12/09/2019, 1:03 p.m.

Ballots:

Pursuant to ORS 192.650(1)(C), secret ballots are prohibited and ballots must identify the vote of each Councilmember. The Council was asked to consider the following options:

- Option 1: Reject all applications and initiate a new process.
- Option 2: Deliberate, make a formal motion, and vote on a candidate at this Council meeting. If the Council passes the motion, a resolution making a formal appointment will be brought to the next Council Meeting.
- Option 3: If the Council does not reach a decision at this Council meeting, the Council may move to conduct an additional interview of the top 2 or 3 candidates during a work session at the next Council meeting or, a date certain, or Council may instruct staff on further follow-up.

Mayor Truax advised each Councilmember to submit their ballot to the City Recorder, ranking their top three candidates on a scale of 3 (highest) to 1 (lowest). Ruggles tallied each Councilmembers' votes as follows:

Vote for 3 (3 highest, 1 lowest)		Rippe	Thompson	Uhing	Valfre	Wenzl	Mayor Truax	TOTAL PTS:
FROMM	Joshua	1		1				2
HENGEVELD	John				2			2
JOHNSON	Susie							0
KOTTKEY	Kristy	2	2	2		2	3	11
REYNOLDS	Karen		1					1
SULLIVAN	Howard				1	1	1	3
VALENZUELA	Mariana	3	3	3	3	3	2	17

Upon tallying the ballots, Ruggles announced the following top three candidates:

- 1) Mariana Valenzuela (17)

- 2) Kristy Kottkey (11)
- 3) Howard Sullivan (3)

Before proceeding with the Council discussion, Mayor Truax asked for a motion to consider appointing one of the top three candidates to fill the Council vacancy.

MOTION: Councilor Rippe moved, seconded by Councilor Thompson, to appoint Mariana E. Valenzuela to fill the City Council vacancy, appointed term of office expiring November, 2022.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Uhing, Valfre, Wenzl, and Mayor Truax. NOES: None. COUNCIL VACANCY: 1. MOTION CARRIED 6-0.

Mayor Truax announced that a Resolution making Valenzuela's formal appointment as City Councilor would be considered at the next Council meeting of Monday, January 13, 2020. The Oath of Office would be administered by the City Recorder at the Swearing-In Ceremony, which will be held Monday, January 13, 2020, at 5:00 p.m. in the Community Auditorium.

9. CITY COUNCIL COMMUNICATIONS:

Rippe reported attending Economic Development Commission (EDC) meeting, noting EDC revised its bylaws. In addition, Rippe reported attending various community-related events and reported on upcoming meetings he was planning to attend.

Thompson reported on upcoming meetings he was planning to attend.

Uhing reported Sustainability Commission (SC) and Committee for Community Involvement met in joint session to discuss desired outcomes for the next summit. Uhing reported SC is reviewing its bylaws. In addition, Uhing reported on upcoming meetings she was planning to attend.

Valfre reported attending various community-related events. In addition, Valfre reported on upcoming meetings he was planning to attend.

Wenzl reported Committee for Community Involvement (CCI) canceled its last meeting, noting CCI is hosting the Annual Town Meeting on Saturday, January 25, 2020. Wenzl invited the public to attend the Parks and Recreation Commission (P&R) Special Meeting on December 18, 2019, 6:30 p.m., noting the consultant will be presenting the design and cost estimates and P&R is taking public input on the Park Facilities Schematic Design for Stites Park, North Lincoln Park, A. T. Smith Park and the Aquatic Center. In addition, Wenzl reported on upcoming meetings she was

planning to attend.

10. City Manager's Report:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar. VanderZanden reported Sara Wilson, SSW Consulting, will be contacting each Councilmember to solicit feedback on the Vision/Values process and priority issues for the upcoming Council Retreat, noting the consultant will put together a summary packet in preparation for facilitating the Retreat, tentatively scheduled for February 1, 2020 (City Recorder update: Council Retreat date was moved to February 15, 2020). VanderZanden advised in order to complete the interview process for Boards/Commissions (B/C) reappointments, Council concurred scheduling a work session prior to the joint legislative session on December 16, 2019, noting new B/C applicant interviews will likely be scheduled in January. In addition, VanderZanden reported on various upcoming meetings and updates on department-related activities and projects.

11. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax reported attending the Holiday Light Parade, noting the parade is growing in popularity. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings and events he was planning to attend.

12. ADJOURNMENT:

Mayor Truax adjourned the regular Council meeting at 8:15 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder